



FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF GENERAL COUNSEL

# Memorandum

**TO:** Chief, Enforcement Bureau

**FROM:** *DMA*  
Daniel M. Armstrong  
Associate General Counsel

**SUBJECT:** *BellSouth Telecommunications, Inc. v. FCC & USA*, D.C. Cir. No. 05-1032 and *AT&T Corp. v. FCC & USA*, Third Cir. No. 05-1365. Filing of Petitions for Review in the United States Courts of Appeals for the District of Columbia and Third Circuits.

**DATE:** February 11, 2005

This is to advise you that, on February 4, 2005, BellSouth Telecommunications, Inc. ("BellSouth") filed a Petition for Review in the U.S. Court of Appeals for the D.C. Circuit, and AT&T Corp. ("AT&T") filed a Petition for Review in the U.S. Court of Appeals for the Third Circuit, pursuant to 47 U.S.C. 402(a), of the following order: *In the Matter of AT&T Corp., Complainant v. BellSouth Telecommunications, Inc., Defendant*, Memorandum Opinion and Order, File No. EB-04-MD-010, 19 FCC Rcd 23898 (2004).

Petitioners separately challenge the above-referenced Commission order granting in part and denying in part a section 208 complaint filed by AT&T against BellSouth challenging the lawfulness of certain BellSouth optional tariff discount plans for special access service. BellSouth challenges the Commission's determination that its "Transport Savings Plan" unlawfully discriminates in favor of BellSouth's long distance affiliate in violation of section 272. AT&T challenges the Commission's denial of its challenge to BellSouth's "Premium Savings Incentive Plan."

The D.C. Circuit has docketed the *BellSouth* case as No. 05-1032, and the Third Circuit has docketed the *AT&T* case as No. 05-1365. The attorney assigned to handle the litigation of these cases is Richard K. Welch.